

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ALBINO AGUER, A#094696185,

Petitioner,

vs.

**U.S. IMMIGRATION AND
CUSTOMS ENFORCEMENT,**

Respondent.

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§ Civil Action No. 3:19-CV-02827-E-BH
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**ORDER ACCEPTING FINDINGS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

After reviewing all relevant matters of record in this case, including the Findings, Conclusions, and Recommendation of the United States Magistrate Judge and any objections thereto, in accordance with 28 U.S.C. § 636(b)(1), the Court is of the opinion that the Findings and Conclusions of the Magistrate Judge are correct and they are accepted as the Findings and Conclusions of the Court. For the reasons stated in the Findings, Conclusions, and Recommendation of the United States Magistrate Judge, the petition for habeas corpus filed under 28 U.S.C. § 2241 will be **DISMISSED** without prejudice by separate judgment for failure to prosecute or comply with a court order under Fed. R. Civ. P. 41(b).

A certificate of appealability (COA) is not required to appeal in a case under 28 U.S.C. § 2241. *See Montano v. Texas*, 867 F.3d 540, 547 n.8 (5th Cir. 2017). If the petitioner files a notice of appeal, he must pay the \$505.00 appellate filing fee or submit a motion to proceed *in forma pauperis* and a properly signed certificate of inmate trust account.

SO ORDERED.

Signed February 20, 2020.


ADA BROWN
UNITED STATES DISTRICT JUDGE